

THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA,
NORTHERN DIVISION

A.G., a minor child, by and through her *
mother and next of friend, K.C.; D.A., a *
minor child, by and through her mother *
and next of friend, B.A.; A.L., a minor *
child, by and through her mother and *
next of friend, C.T.; M.K., a minor child, *
by and through her mother and next of * CASE NO.: 2:05-CV-1090
friend, K.K.; and M.H., a minor child, by *
and through her mother and next of *
friend, B.H., *

Plaintiffs,

v.

AUTAUGA COUNTY BOARD OF *
EDUCATION; JOSEPH L. BUTLER; and *
TERRY WRIGHT, *

Defendants.

MOTION TO COMPEL PRATTVILLE POLICE DEPARTMENT
TO RESPOND TO CIVIL SUBPOENA

Plaintiffs, pursuant to Rule 37(a) Federal Rules of Civil Procedure, request the Court to compel a Non-Party, Prattville Police Department, to respond to a subpoena which was served on the Prattville Police Department. As grounds for their motion, they would show the following:

1. On November 16, 2005, Plaintiff's served a subpoena on Prattville Police Department. (See Exhibit "A").
2. On November 17, 2005, Plaintiff's counsel received a letter from David McDowell, city attorney for the City of Prattville. (See Exhibit "B")

3. On November 21, 2005, Plaintiff's counsel had a phone conversation with David McDowell, attorney for City of Prattville concerning the subpoena that was issued and explained Plaintiff's position.

4. David McDowell, attorney for City of Prattville, stated that he would revisit the subpoena and call Plaintiff's counsel to let him know the City of Prattville's position with respect to the subpoena.

5. Plaintiff's counsel has not heard from David McDowell, City Attorney for Prattville.

6. Plaintiff's counsel called David McDowell's office on January 19, 2006 and left a message with his receptionist for Mr. McDowell to call Plaintiff's counsel.

7. As of January 24, 2006, Plaintiff's counsel has not received a response to its subpoena of October 2005, nor has it received a phone call from David McDowell with respect to the subpoena that was issued at that time.

WHEREFORE, Plaintiff's counsel requests the Court to enter an Order compelling the Prattville Police Department to respond to the subpoena, which was served upon them in October of 2005.

/s/Michael J. Crow
MICHAEL J. CROW (CR039)
Attorney for Plaintiffs

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/s/Robert D. Drummond
ROBERT D. DRUMMOND (DRU004)
Attorney for Plaintiffs

OF COUNSEL:

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CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing upon all counsel of record listed below by placing a copy of the same in the U.S. Mail, first class postage prepaid, on this the 24th day of January, 2006.

/s/Michael J. Crow
OF COUNSEL

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